

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/825,200 Examiner	MURATA, YOSHINORI Art Unit
	Esaw T Abraham	2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amndt filed on 05/10/04.
2.  The allowed claim(s) is/are 1-24.
3.  The drawings filed on 02 April 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*Guy J. LAMARRE*  
PRIMARY EXAMINER

## DETAILED ACTION

### *Examiner's statement for reason for allowance*

The following is an examiner's statement for allowance:

1. Claims 1-24 have been allowed.

As per claim 1, the prior art, Soumiya et al. (U.S. PN: 5,761,217) in figure 1 disclose a circuit structure of facsimile device comprising a CPU (see element 1) controls the operations of the entire facsimile device wherein the CPU (1) includes an error recovery means to detect and correct an error line, a Network Control Unit (NCU) (see element 4) controls the connection to the telephone lines and a modem (see element 5) carries out modulation of image data to be transmitted in accordance with a multi phase differentially encoded modulation method of recommendation V.27ter of the ITU-T (See col. 3, lines 65-68 and col. 4, lines 1-22). Further, the prior art, Yoshida (U.S. PN: 6,046,825) teach or disclose a modulation conducted in accordance with the ITU-T Recommendations V.21, V.27ter, V.29, V.17, V.8 and V.34 and the contents of the modulation (modulation levels) by the modem are instructed or changed by the signal supplied from the control circuit (see element 20) through a signal line (see element 20c). However, the prior arts taken singly or in combination fail to teach, anticipate, suggest, or render obvious a modem that can transmit data to a remote device in accordance with plurality of modulation methods and communication speeds and a controller for changing modulation method of the modem to a different modulation method while maintaining a communication speed when an all-frame-error is detected predetermined number of times during data transmission, and for maintaining the current modulation method and reducing the

communication speed when a frame error other than the all-frame error is detected second time predetermined number of times. Consequently, claim 1 is allowed over the prior art.

Claims 2-8, which are directly or indirectly dependents of claim 1 are also allowable over the prior art of record.

As per claim 9, the prior art, Soumiya et al. (U.S. PN: 5,761,217) in figure 1 disclose a circuit structure of facsimile device comprising a CPU (see element 1) controls the operations of the entire facsimile device wherein the CPU (1) includes an error recovery means to detect and correct an error line, a Network Control Unit (NCU) (see element 4) controls the connection to the telephone lines and a modem (see element 5) carries out modulation of image data to be transmitted in accordance with a multi phase differentially encoded modulation method of recommendation V.27ter of the ITU-T (See col. 3, lines 65-68 and col. 4, lines 1-22). Further, the prior art, Yoshida (U.S. PN: 6,046,825) teach or disclose a modulation conducted in accordance with the ITU-T Recommendations V.21, V.27ter, V.29, V.17, V.8 and V.34 and the contents of the modulation (modulation levels) by the modem are instructed or changed by the signal supplied from the control circuit (see element 20) through a signal line (see element 20c). However, the prior arts taken singly or in combination fail to teach, anticipate, suggest, or render obvious a controller for changing modulation method of the modem to a different modulation method while maintaining a communication speed when an all-frame-error is detected predetermined number of times during data transmission, and for maintaining the current modulation method and reducing the communication speed when a frame error other than the all-frame error is detected second time predetermined number of times. Consequently, claim 9 is allowed over the prior art.

Claims 10-16, which are directly or indirectly dependents of claim 9 are also allowable over the prior art of record.

As per claim 17, the prior art, Soumiya et al. (U.S. PN: 5,761,217) in figure 1 disclose a circuit structure of facsimile device comprising a CPU (see element 1) controls the operations of the entire facsimile device wherein the CPU (1) includes an error recovery means to detect and correct an error line, a Network Control Unit (NCU) (see element 4) controls the connection to the telephone lines and a modem (see element 5) carries out modulation of image data to be transmitted in accordance with a multi phase differentially encoded modulation method of recommendation V.27ter of the ITU-T (See col. 3, lines 65-68 and col. 4, lines 1-22). Further, the prior art, Yoshida (U.S. PN: 6,046,825) teach or disclose a modulation conducted in accordance with the ITU-T Recommendations V.21, V.27ter, V.29, V.17, V.8 and V.34 and the contents of the modulation (modulation levels) by the modem are instructed or changed by the signal supplied from the control circuit (see element 20) through a signal line (see element 20c). However, the prior arts taken singly or in combination fail to teach, anticipate, suggest, or render obvious a first means that can transmit data to a remote device in accordance with plurality of modulation methods and communication speeds and a second means for changing modulation method of the modem to a different modulation method while maintaining a communication speed when an all-frame-error is detected predetermined number of times during data transmission, and for maintaining the current modulation method and reducing the communication speed when a frame error other than the all-frame error is detected second time predetermined number of times. Consequently, claim 17 is allowed over the prior art.

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Claims 18-24, which are directly or indirectly dependents of claim 17 are also allowable over allowed over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

2. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Esaw Abraham whose telephone number is (703) 305-7743. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are successful, the examiner's supervisor, Albert DeCady can be reached on (703) 305-9595. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Esaw Abraham

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GUY J. LAMARRE  
PRIMARY EXAMINER